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UNCLAS PRAGUE 001613

SIPDIS

TRANSPORTATION FOR FAA/OGC, COMMERCE FOR ITA/ELENZ

E.O. 12958: N/A

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SUBJECT: CZECH RESPONSE TO CAPE TOWN CONVENTION DEMARCHE

REF: STATE 199212

1. SUMMARY: Post contacted the Czech Ministry of Foreign Affairs International Law Department to deliver reftel demarche urging the Czech government to ratify the Cape Town Convention. The Ministry responded that most competencies regarding transportation rest with the EU and that their hands are tied. The Czech Republic is ready to adopt and ratify both the Convention and Protocol the moment that the EU does, but will not take any action until this occurs. END SUMMARY

2. According to an analysis written by the Ministry of Transportation Civil Aviation Department, since the Czech Republic joined the EU in May 2004, competency over aviation regulations has been taken over by the EU. Until the issue of Gibraltar is settled between Spain and the UK, the Czechs feel that the EU will not be in a position to sign or ratify the Cape Town Convention.

3. The Czech position is that even if an EU member state were to individually sign and/or ratify the Convention, implementation of their obligations under the treaty would be impossible as the EU has jurisdiction on transportation matters. Therefore, the Cape Town convention can only be ratified with the agreement of all member states and the EU.

CABANISS